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Claim 14 has been amended to be in independent form and to include the elements of now-canceled claim 11, from which claim 14 originally depended.

Claims 1, 4-8, and 11-24 have been rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,987,294 to Yoda et al. (hereinafter "Yoda") in view of U.S. Patent 6,078,760 to Abe et al. (hereinafter "Abe").

The Applicant respectfully contends that claims 1, 4-8, and 14 are nonobvious in view of the cited references for the reasons set forth below.

Firstly, the Applicant respectfully contends that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings, as is required for an obviousness rejection.

The Applicant notes that in accordance with MPEP 2143.01, a “statement that the modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all the aspects of the claimed invention were

1 individually known in the art is not sufficient to establish a *prima facie* case of
2 obviousness without some objective reason to combine the teachings of the
3 references.” (MPEP 2143.01.)

4 In other words, the consistent criterion for determination of obviousness is
5 whether the prior art would have suggested to one of ordinary skill in the art that the
6 process should be carried out and would have a reasonable likelihood of success,
7 viewed in the light of the prior art. Both the suggestion and the expectation of
8 success must be founded in the prior art, not in the applicant’s disclosure. (*Panduit*
Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987).)

9 However, the only reason given in the Office action by the Examiner in regard
10 to this requirement is a statement that, “[i]t would have been obvious to one of
11 ordinary skill in the art at the time the invention was made to [combine the] teaching
12 of Abe with the image forming device of Yoda to obtain matted or glossy images
13 having excellent image quality.”

14 The Applicant respectfully contends that this statement does not amount to an
15 objective reason to combine the teachings of the references. Thus, in regard to
16 claims 1, 4-8, and 14, the Applicant contends that the requirements of a *prima facie*
17 case of obviousness have not been established for at least claims 1, 4-8, and 14
18 because no evidence has been provided as to motivation or suggestion in the prior
19 art to combine the reference teachings to result in the claimed invention.

20 Secondly, the Applicant respectfully contends that the prior art reference (or
21 references when combined) do not teach or suggest all the claimed limitations as is
22 also required for an obviousness rejection.

23 Specifically, in regard to claim 1, that claim recites at least the following
24 salient elements: “a print path; and, a fusing circuit operatively connected with the
25 print path, whereby the sheet of media is selectively moved along the fusing circuit
and re-exposed to the hot roller.”

26 The Applicant asserts that neither Yoda nor Abe disclose a fusing circuit. It is
27 clear from the Applicant’s specification and drawings, as well as the language of
28 claim 1 itself, that the fusing circuit is separate from the print path. As is described in
29 the Applicant’s specification at page 11, lines 28-35:

“When the shunting device diverts the given sheet of media onto the fusing
circuit, the given sheet of media can successively pass between the hot roller and

1 *each of the plurality of pressure rollers. As an illustrative example, if the apparatus*
2 *includes a fusing device having a single hot roller and two pressure rollers, then the*
3 *sheet of media can be made to pass between the hot roller and each of the two*
4 *pressure rollers in succession. On the other hand, when the shunting device does*
5 *not divert the given sheet of media onto the fusing circuit, the given sheet passes*
6 *between the hot roller and only one of the two pressure rollers."*

7 Thus, the Applicant's fusing circuit is separate from the print path, such that a
8 given sheet of media can be selectively diverted from the print path and onto the
9 fusing circuit, wherein when not diverted onto the fusing circuit, the sheet passes
10 only between the hot roller and one of the pressure rollers, and wherein when
11 diverted onto the fusing circuit, the sheet passes between the hot roller and a
12 plurality of pressure rollers.

13 In contrast, although Yoda discloses a single hot roller and two pressure
14 rollers, Yoda only discloses a single print path and does not disclose a fusing circuit,
15 as is required by the Applicant's claim 1. That is, in accordance with Yoda, the sheet
16 of media always passes between the hot roller and both pressure rollers because the
17 sheet always remains on the print path (which passes between the hot roller and
18 both pressure rollers). That is, Yoda does not disclose selectively passing a media
19 sheet either between the hot roller and only one pressure roller, or alternatively
20 between the hot roller and additional pressure rollers, as is required by the
21 Applicants claims.

22 Similarly, Abe discloses only a fusing device having a single hot roller and a
23 single pressure roller. Thus, the device of Abe discloses even fewer features of the
24 Applicant's claimed invention than does the device of Yoda. Thus, Abe does not
25 disclose the Applicant's fusing device or fusing circuit, as is required by claim 1 and
claims 4-8 (which depend from claim 1).

Furthermore, in regard to claim 14, that claim recites at least the following
salient elements:

a print path configured to convey there along sheets of media;
a fusing circuit operatively connected with the print path; and,
a shunting device operatively located along the print path and configured to
selectively divert a given sheet of media from the print path onto the fusing circuit,
wherein:

1 when the shunting device diverts the given sheet of media onto the
2 fusing circuit, the given sheet of media successively passes between the hot
3 roller and each of the pressure rollers; and,

4 when the shunting device does not divert the given sheet of media onto
5 the fusing circuit, the given sheet passes between the hot roller and only one
6 of the pressure rollers.

7 As is explained above with respect to the arguments against the rejection of
8 claim 1, neither Abe nor Yoda disclose a fusing circuit as is required by claim 14.
9 Additionally, neither Abe nor Yoda disclose the shunting device of claim 14.

10 The shunting device required by claim 14 is configured to selectively divert a
11 given sheet of media onto the fusing circuit from the print path after the given sheet
12 passes between the hot roller and one of the pressure rollers. That is, the given
13 sheet, after passing between the hot roller and one of the pressure rollers, can be
14 caused by the shunting device of claim 14 to either: 1) remain on the print path and
15 not be exposed to the hot roller again; or, 2) be diverted off of the print path and onto
16 the fusing circuit to pass between the hot roller and another of the pressure rollers.

17 By contrast, Yoda teaches that the media sheet always passes between the hot
18 roller and both pressure rollers, and Abe merely discloses a fusing device having a
19 single hot roller and a single pressure roller. Thus, it is not possible for either Yoda
20 or Abe to teach or suggest the shunting device of claim 14.

21 The Applicant therefore contends that the requirements of a *prima facie* case
22 of obviousness has not been established for at least claims 1, 4-8, and 14 because,
23 even if sufficient evidence existed in the prior art to combine the reference teachings
24 to result in the claimed invention (which there is not), the reference teachings do not
25 teach or suggest all the claimed limitations, as is required for an obviousness
26 rejection.

27 Accordingly, the Applicant asserts that the requirements for a *prima facie* case
28 of obviousness have not been established for claims 1, 4-8, and 14, and respectfully
29 requests that the rejections of those claims be withdrawn and that those claims be
30 allowed.

1 New Claims:

2 New claims 25-30 have been added as shown above. Support for new claims
3 25-30 is found in claims 1-24, as well as in Fig. 5 of the drawings. No new matter
4 has been added. The Applicant asserts that claims 25-30 are not anticipated by, and
5 are nonobvious in view of, the cited references.

6 Fee for Additional Claims:

7 The fee for 1 additional independent claim is to be charged to Assignee's
8 deposit account, as indicated in the attached transmittal letter.

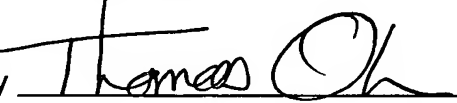
9 Summary

10 The Applicant believes this response constitutes a full and complete reply to
11 the Office action of April 23, 2004. The Applicant further believes, for at least the
12 reasons set forth above, that claims are now in allowable form, and therefore
13 requests timely allowance of those claims.

14 The Examiner is respectfully requested to contact the below-signed attorney if
15 the Examiner believes this will facilitate prosecution toward allowance of the claims.

16 Respectfully submitted,
17 Curtis Greg Kelsay

18 Date: July 16, 2004

19 By 

20 Thomas Olson
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